

S.B. 38
MENTAL HEALTH AMENDMENTS

Senator **Lincoln Fillmore** proposes the following amendments:

1. *Page 2, Line 51 through Page 3, Line 61:*

51 (c) disclosing or refusing to disclose any confidential communication under Section
52 58-60-114 or 58-60-509[-]; and

53 (d) ~~{failure}~~ a pattern of failing to offer a patient the opportunity to waive the patient's
privacy rights under
54 the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160
55 and 164.

56 (2) "Unprofessional conduct" under this chapter may be further defined by division
57 rule. =

(3) Notwithstanding Section 58-1-401, the division may not act upon the license of a licensee for unprofessional conduct under Subsection (1)(d).

58 Section 2. Section **62A-15-618** is amended to read:

59 62A-15-618. Designated examiners.

60 (1) A designated examiner shall consider a proposed patient's mental health history
61 when evaluating a proposed patient.